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OFFICE OF PETITIONS

In re Application of Baccelli et al.	:	
Application No. 10/530,509	:	Decision on Petition
Filing Date: April 6, 2005	:	
Attorney Docket No. 1107-050938	:	

This is a decision on the petition under 37 CFR 1.181, filed January 8, 2008, to withdraw the holding of abandonment.

The petition is **granted**.

The Office mailed a Notice of Allowance and a Notice of Allowability on August 14, 2007. The Notice of Allowance set a statutory period for reply of three (3) months. The Office did not receive a reply to the Notice of Allowance. As a result, a Notice of Abandonment was mailed December 11, 2007.

Petitioner requests withdrawal of the holding of abandonment based on non-receipt of the Notice of Allowance. The Office has considered the evidence presented by petitioner and determined the evidence is sufficient to establish non-receipt of the Notice of Allowance. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

A Notice of Allowability was mailed with the Notice of Allowance on August 14, 2007. Since petitioner did not receive the Notice of Allowance, it is presumed petitioner did not receive the Notice of Allowability. Therefore, both the Notice of Allowance and Notice of Allowability mailed on August 14, 2007, are vacated.

Technology Center Art Unit 3733 will be informed of the instant decision. Thereafter, the Technology Center's technical support staff will mail a new Notice of Allowance and a new Notice of Allowability. The time period for responding to the new Notices will be set to run from the mailing date of the new Notices.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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